



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Marvel Engineering Company  
File: B-228236  
Date: December 22, 1987

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### DIGEST

Protest of Defense Logistics Agency's alleged failure to comply with intra-agency procedures, or with an operational agreement between the agency and the military departments concerning which activity would evaluate the technical acceptability of noncritical application items offered as alternates to specified brand name items, is dismissed. Compliance with such procedures and agreements is a matter for the agencies involved to address, not the General Accounting Office as part of a bid protest.

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### DECISION

Marvel Engineering Company protests the award of a contract to Parker Hannifin Corporation under request for proposals (RFP) No. DLA700-87-R-2952, issued by the Defense Construction Supply Center (DCSC), Defense Logistics Agency (DLA), for fuel filter elements for multi-fuel truck engines. Marvel contends that DLA did not have the authority to evaluate Parker's offer of an alternate part since the fuel filter is a critical item and an internal engine part that had to be evaluated by the United States Army Tank and Automotive Command (TACOM), the using activity.

We dismiss the protest.

The solicitation specified three acceptable brand-name fuel filters manufactured by companies other than Parker or Marvel, and included a "Products Offered" clause permitting offers of alternate products physically, mechanically, electrically and functionally interchangeable with the specified brand-name models.

DLA received five offers by the June 22, 1987, closing date. In accordance with the "Products Offered" clause and a July 2, 1985, operational agreement between DLA and the

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military departments that authorized DLA to evaluate the technical acceptability of noncritical application alternate items, the contracting officer forwarded the alternate offers of Parker, Marvel and one other firm to DCSC's Directorate of Technical Operations for a determination of technical acceptability. DCSC's technical personnel approved the alternate items offered by Parker and the other offeror, and confirmed with the engineering support activity, TACOM, that Marvel's alternate item was also technically acceptable since Marvel had stated in its offer that it had submitted its part for approval to TACOM. DLA awarded a contract to Parker, the low responsible offeror.

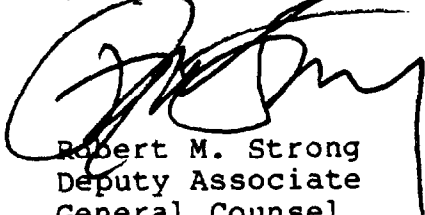
Marvel, which does not contest the merits of DLA's technical evaluation, contends that: (1) a 1954 TACOM source control drawing of the fuel filter with the legend "Ordnance Corps Engineering Approval Required," requires TACOM approval of alternate offers; (2) the fuel filter in question has critical end item application and, therefore, pursuant to the 1985 operational agreement, must be referred to the user's engineering support activity for approval; and (3) a June 19, 1984, DCSC internal memorandum concerning the evaluation of alternate items provides that the engineering support activity must evaluate internal engine parts for tactical vehicles, such as this fuel filter.

We will not consider Marvel's complaint. The solicitation did not state who would perform the technical evaluation of alternate parts or identify the item as having critical application. The evaluation agreements and procedures on which Marvel relies clearly are intra- and inter-agency ones, so that their proper application and implementation are matters for those agencies, not our Office, to resolve. We often have held that an offeror generally does not have standing to challenge an agency's compliance with its own procedures. See, e.g., Blue Lake Forest Products, Inc., B-224263, Feb. 9, 1987, 87-1 C.P.D. ¶ 135.

In any case, we note that the 1985 operational agreement between DLA and the military departments, including TACOM, authorizes DLA evaluation of technical acceptability of noncritical application alternate items, and that DLA has submitted documentation of the fact that the fuel filter is designated noncritical and has confirmed that designation with TACOM. Also, the 1954 fuel filter drawing, which was not incorporated into the RFP, and which specifies that TACOM is to approve all sources of the fuel filter, would not be controlling in view of the 1985 agreement. As to Marvel's last assertion, DLA points out that the fuel filter in question is used on the fuel tank assembly, rather than the internal engine.

Finally, Marvel requests that the procurement be canceled and the requirement resolicited because the solicitation failed to inform offerors of the need for TACOM approval. In light of our finding, and since we do not see how Marvel could have been prejudiced in the competition by DLA's evaluation of Parker's offer, there is no legal merit to Marvel's request.

The protest is dismissed.



Robert M. Strong  
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General Counsel